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November 1, 1994

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By Messenger

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
Room 222 - Mail Stop 1170
1919 M Street, N.W.
Washington, D.C. 20554

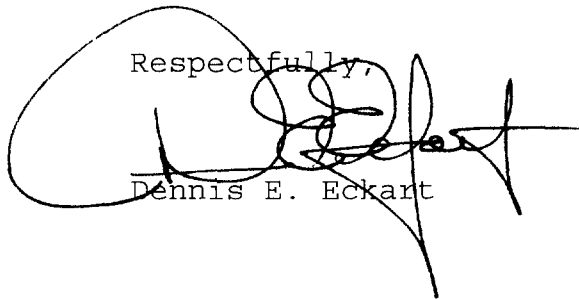
Re: Ex Parte Communications
PR Docket No. 93-61
Automatic Vehicle Monitoring (AVM)

Dear Mr. Caton:

Transmitted herewith are two copies of a letter addressed to Mr. Blair Levin, Chief of Staff of Chairman Hundt's office, memorializing and following up on a conversation concerning the above-referenced proceeding.

Please contact me if there are any questions concerning this matter.

Respectfully,


Dennis E. Eckart

DEE/agz
Enclosure

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November 1, 1994

Mr. Blair Levin
Chief of Staff
Office of the Chairman
Federal Communications Commission
Room 814, Mail Stop 0101
1919 M Street, N.W.
Washington, D.C. 20554

Re: Automatic Vehicle Monitoring (AVM)
PR Docket 93-61
Ex Parte Presentation - Pinpoint Communications, Inc.

Dear Mr. Levin:

This is to provide a record of and to follow up on our discussions yesterday regarding Pinpoint Communications and Docket 93-61. I appreciate your meeting with me on this complex matter. As reflected in the often conflicting record in this matter, Pinpoint is concerned that the proceeding is rapidly drawing to a close while fundamental questions remain unanswered. These involve both the compatibility of Part 15 and AVM systems and the matter of auctions.

Pinpoint has long been an advocate of testing among the various AVM and Part 15 systems. Pinpoint was prepared last fall to cooperate with the Part 15 community in testing. For reasons unrelated to Pinpoint, those tests never materialized. Pinpoint was, however, able to complete testing with Amtech Corporation, which showed that its local-area AVM tag technology and Pinpoint's wide-area AVM technology could coexist in spectrum shared on a co-primary basis. Pinpoint and Amtech conducted further testing this fall in order to reverify their conclusions of last year. Pinpoint also extended an invitation this summer to the Part 15 Coalitions's counsel to engage in testing and offered to test with Washington Gas in June of this year using Pinpoint's Washington, D.C., experimental system.

The overture of the Part 15 community has recently begun to bear fruit as Pinpoint and other AVM proponents with some encouragement from the Commission staff have been meeting with certain members of the Part 15 Coalition to discuss testing. Unfortunately, the Part 15 interests have refused to test the

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higher powered Part 15 equipment against other Part 15 equipment while maintaining that tests should be conducted involving Pinpoint's wideband forward link against Part 15 equipment. Although Pinpoint is willing to conduct such tests of its forward link, the failure to test the effects of high powered widely distributed Part 15 wide area data systems against lower powered systems such as automatic meter reading devices increases the risk that the eventual decision made by the Commission setting forth a band plan will greatly impair not only the ability of wide-area AVM to function in the public interest, but also severely compromise the ability of many Part 15 devices to work without unacceptable interference. To the extent that the vast majority of Part 15 devices can function compatibly in the presence of AVM signals, maintaining a hierarchy in the 902 - 928 MHz band among different types of operations could very well set the stage for the continued preservation and encouragement of most Part 15 development. If the Commission proceeds to a decision without the sort of critical information that such Part 15 to Part 15 testing could yield, the real loss will be to the public as it is denied the benefits of a variety of AVM and Part 15 technologies.

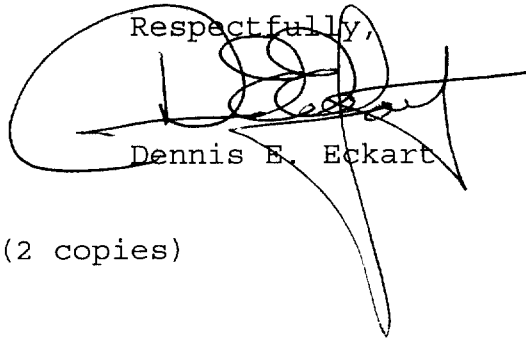
Pinpoint is also concerned about the proposal to auction spectrum in the 902 - 928 MHz band. In its Preliminary Spectrum Reallocation Report in which it declined to propose offering this band for reallocation, NTIA called the band "one of the first, and highly successful, emerging telecommunication technology bands." Auctions in this shared band will have the effect of curtailing technological development in the band by both licensed and unlicensed interests as greater crowding occurs and as those who have paid dearly for limited bandwidth conclude that efforts at sharing with Part 15 users are not cost effective. Pinpoint has worked to develop a technology that can operate in this band on a shared basis under the current rules. Its efforts have entailed more than \$10 million in investment. Pinpoint is moving forward with the deployment of a system using an 8 MHz wide channel on a shared basis even though that will mean some compromises over the performance that could be achieved with a wider channel. To alter the character of this shared band by mandating mutually exclusive assignments and then resorting to auctions in this circumstance would run counter to the congressional authorization for the Commission to experiment with auctions in resolving mutual exclusivities.

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Obviously, the matters facing the Commission in this proceeding cry out for compromise by all concerned. Pinpoint recognizes this basic fact of the political process. At the same time, fairness dictates that those who have designed systems in compliance with the current rules be accorded a reasonable opportunity to provide service to the public. To this end, I look forward to meeting with Chairman Hundt and others at the Commission to explain further Pinpoint's desire to seek an expeditious, but informed conclusion to this proceeding.

Respectfully,

A handwritten signature in black ink, appearing to read "Dennis E. Eckart", is written over the typed name. The signature is stylized with loops and a long horizontal stroke.

Dennis E. Eckart

cc: Mr. William Caton (2 copies)